

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

JAMES EVERETT SHELTON and JON  
FREY, on behalf of themselves and others  
similarly situated,

Plaintiffs,

v.

DIRECT ENERGY, LP, and KAA ENERGY,  
INC.

Defendants.

Case No. 2:18-cv-4375-CMR

**DEFENDANT DIRECT ENERGY, LP'S  
MOTION TO DISMISS AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant Direct Energy, LP moves for dismissal of Plaintiffs' Amended Complaint. For the reasons more fully set forth in Defendant's Memorandum in Support of this Motion and the Declarations of David Atiqi and Steven M. Lucks filed contemporaneously herewith, Defendant Direct Energy, LP respectfully requests that its Motion be granted in all respects. A proposed form of order is submitted with this Motion.

Oral argument is requested.

Dated: November 27, 2018

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